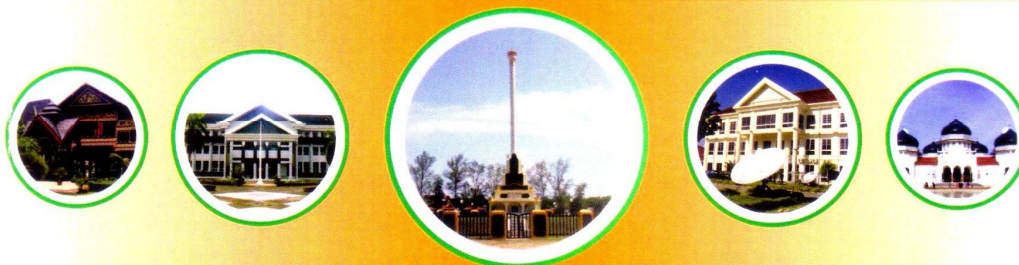




**THE 3<sup>rd</sup> ANNUAL INTERNATIONAL CONFERENCE SYIAH KUALA UNIVERSITY  
(AIC – UNSYIAH)  
IN CONJUNCTION WITH  
THE 2<sup>nd</sup> INTERNATIONAL CONFERENCE ON MULTIDISCIPLINARY RESEARCH  
(ICMR)**

**AAC Dayan Dawood, Darussalam - Banda Aceh, Indonesia  
October 2-4, 2013**

***SOCIAL SCIENCE CHAPTER***



**Editors:**

Hasan Basri (Syiah Kuala University, Indonesia)  
Margaret Kartomi (Monash University, Australia)  
Shabri A. Majid (Syiah Kuala University, Indonesia)  
Ahmad Fauzi Abdul Hamid (Universiti Sains Malaysia, Malaysia)  
Iskandarsyah Madjid (Syiah Kuala University, Indonesia)  
Saifuddin Bantasyam, M.A. (Syiah Kuala University, Indonesia)  
Che-Hung Liu (National University of Tainan, Taiwan)

**SYIAH KUALA UNIVERSITY PRESS  
2013**

**ISSN : 2089-208X**

## **EDITORIAL BOARD**

### **Editor-in-Chief:**

Dr. Hasan Basri (Syiah Kuala University, Indonesia)

### **Editors:**

Dr. Ahmad Fauzi Abdul Hamid (Universiti Sains Malaysia, Malaysia)  
Prof. Dr. Margaret Kartomi (Monash University, Australia)  
Dr. Che-Hung Liu (National University of Tainan, Taiwan)  
Dr. Shabri A. Majid (Syiah Kuala University, Indonesia)  
Dr. Iskandarsyah Madjid (Syiah Kuala University, Indonesia)  
Saifuddin Bantasyam, M.A. (Syiah Kuala University, Indonesia)

## **INTERNATIONAL STEERING COMMITTEE**

Prof. Dr. Ir. Samsul Rizal, M.Eng	(Syiah Kuala University, Indonesia)
Prof. Dr. Ir. Hasanuddin,	(Syiah Kuala University, Indonesia)
Prof. Dr. Syamsul Rizal	(Syiah Kuala University, Indonesia)
Prof. Dr. Abdul Wahab	(Universiti Sains Malaysia, Malaysia)
Dr. Andrew Baird	(James Cook University, Australia)
Dr. Chutima Tantikitti	(Prince Songkla University, Thailand)
Dr. Alfiansyah Yulianur	(Syiah Kuala University, Indonesia)
Eddy Nur Ilyas, SH, M.Hum	(Syiah Kuala University, Indonesia)
Dr. Rusli Yusuf, M.Pd	(Syiah Kuala University, Indonesia)
Prof. Dr. Darussman	(Syiah Kuala University, Indonesia)
Assoc. Prof. Dr. Habibah Hj Lateh	(Universiti Sains Malaysia, Malaysia)
Assoc. Prof. Dr. Mustafa Fadzil Farid Wajid	(Universiti Sains Malaysia, Malaysia)
Prof. Dr. Nurhayati	(Islamic University of North Sumatra, Indonesia)



## TABLE OF CONTENTS

<b>EDITORIAL BOARD</b>	i
<b>NOTICE OF DISCLAIMER</b>	ii
<b>MESSAGE FROM THE RECTOR</b>	iii
<b>MESSAGE FROM THE CHAIRMAN</b>	iv
<b>TABLE OF CONTENTS</b>	v
1. The Impact of Socio-Political Developments on the Christians in The Middle East <i>Ahmad Fauzi Abdul Hamid (Malaysia).</i>	1
2. Analysis of the Banking Industry Bankruptcy: An Implementation of Altman Model for Predicting Bankruptcy on Indonesian Banking Industries <i>A.Sakir Jalil (Indonesia), and Dian Wahyuni (Indonesia).</i>	12
3. Abdullah Munsyi- A Modern Malay Intellectual of New Century <i>Abdul Mutalib Embong (Malaysia), and Ahmad Murad Merican (Malaysia).</i>	17
4. The Analysis of Corporate Social Responsibility of Islamic Banks in the Indonesia by using islamic Social Reporting Index <i>Muhammad Arfan (Indonesia), and Fitri Mulyati Hisda (Indonesia).</i>	26
5. The Relationship between Trust in Teacher and Motivation to Learn of the Street Children in Banda Aceh, Indonesia <i>Cut Dhiya Amalina (Indonesia), Marty Mawarpury (Indonesia), and Risana Rachmatan (Indonesia)</i>	36
6. Effect of Leadership Style of Initiation and Consideration Structures Toward Human Resources Quality and Budgetary Planning <i>Cut Zulfahnur Syafitri (Indonesia), Nadirsyah (Indonesia), Hasan Basri (Indonesia), and Afifuddin (Indonesia).</i>	40
7. Regional Autonomy and Its Impact on Madrasah Education <i>Dahlana Sari Marbun (Indonesia)</i>	50
8. The Use of Authentic Spoken Materials in English as a Foreign Language (EFL) Classroom <i>Dian Fajrina (Indonesia)</i>	53
9. Urgency of Regulating Cyberbullying On Indonesian Law <i>Eka Nugraha Putra (Indonesia)</i>	58
10. Indonesia Responsibility on Sea Pollution Caused By Coal Waste (Study on Bengkulu River Pollution) <i>Ema Septaria (Indonesia).</i>	66
11. Reading/Writing Invention and Evolution: A Learning Model for Beginning Readers <i>Eny Kusumawati (Indonesia), and Khairuddin (Indonesia).</i>	73
12. "Papan Emosi" to Improve Emotional Expression Activity of the Resident Drug Rehabilitation in Banda Aceh, Indonesia <i>Haiyun Nisa (Indonesia), and Herman Rabu (Indonesia).</i>	80
13. The Role of The Islamic Religious Organizations, Some Issues and Considerations <i>Hasan Basri (Indonesia), and Afifuddin (Indonesia)</i>	84
14. Design of Livestock Mortality Insurance System As a Tool of Risk Guarantee for Sustainability the Smallholder Beef Cattle in West Java (Risk Identification in The Smallholder Beef Cattle) <i>Hasni Arief (Indonesia), Sri Rahayu (Indonesia), and Cecep Firmansyah (Indonesia).</i>	89
15. The Islamic Concept of Minangkabau Architectural Heritage <i>Isham Shah b. Hassan (Malaysia), Isdawati Ismail (Malaysia), and Mohd Shafrizal Md Hassan (Malaysia).</i>	96
16. Digital Approach vs. Conventional Approach in Architectural Design Process for Producing Creative Product <i>Isham Shah Hassan (Malaysia), Mohd Arif Ismail (Malaysia), and Ramlee Mustapha (Malaysia).</i>	102

17.	CiDOS Integration in Design Process for Producing Creative Product <i>Isham Shah Hassan (Malaysia), Zainal Azhar Zainal Abidin (Malaysia), and Azlin Ismail Effendi (Malaysia).</i>	107
18.	Web Mobile Integration in Teaching Heritage Module at Port Dickson Polytechnic <i>Isham Shah Hassan (Malaysia), Zaharuddin Saaya (Malaysia), and Nur Athirah Ibrahim (Malaysia).</i>	112
19.	Feasting in Society: A Case Study in Aceh Besar District, Aceh Province, Indonesia <i>Izwani Sahardin (Indonesia), and Fatan Hamamah Yahaya (Malaysia).</i>	117
20.	Best Principal Management of School Mission and Instructional Programs of Secondary Schools in Banda Aceh, Indonesia <i>Mohamad Johdi Salleh (Malaysia), and Muhammad Hatta (Indonesia).</i>	122
21.	Tourism and Labor Absorption in Aceh Province, Indonesia <i>Muhammad Nasir (Indonesia), and Chahayu Astina (Indonesia)</i>	127
22.	An Empirical Analysis of Economic Exposure and Its Determinants of the Miscellaneous Companies in Indonesia <i>M. Shabri Abd. Majid (Indonesia), Zaida Rizqi Zainul (Indonesia), and Syakir Jalil (Indonesia)</i>	132
23.	Consumption Function under the Permanent Income Hypothesis in Selected Arab countries <i>Miloud Elwakshi (Libya), and Ali Al-Qudah (Jordan).</i>	140
24.	Actor Role of Comparative Foreign Presence in Regional Autonomy: The Case of Aceh, Mindanao and Southern Thailand <i>Nellis Mardhiah (Malaysia).</i>	145
25.	Local Government's Revenue, Audit Opinion of BPK and Financial Performance of Local Government : Indonesia Evidence <i>Aditya Indra Prayitno (Indonesia), and Nova Novita (Indonesia).</i>	153
26.	The Effect of Human Capital on Survival of SMEs in Food Processing Under Economic Crisis in Central Java, Indonesia <i>Agussalim M (Indonesia), and Palmarudi Mappigau (Indonesia).</i>	161
27.	Population Growth, Desertification and Land Degradation in the North-western Libya <i>Saad, A. M. (Malaysia), and Shariff, N.M. (Malaysia).</i>	166
28.	Legal Culture of Religious Capitalism: Socio Legal Approach On Employment Relations Between Muslimah Employers And Batik Workers In Pekalongan <i>Shinta Dewi Rismawati (Indonesia).</i>	172
29.	Problem and Solution Implementing Regulations The Law on Government of Aceh <i>Sulaiman (Indonesia), M. Adli (Indonesia, Malaysia), and Teuku Muttaqin (Indonesia, Malaysia).</i>	179
30.	Exploring Indonesia-Paraguay Trade Potentials: A Revealed Comparative Advantage Approach <i>Sulthon Sjahril Sabaruddin (Indonesia), and Sihar Tambun (Indonesia).</i>	186
31.	Environmental Components in POETIC Model: Palembang Urban Heat Island Case Study <i>Zuber Angkasa (Indonesia), Fachrurrozie Sjarkowi (Indonesia), Dadang H Purnama (Indonesia), Dwi Setiawan (Indonesia), and Ngakan Putu Sueca (Indonesia).</i>	196
32.	Analysis Planning For Life Education Model Program Private Islamic University in Indonesia <i>Hasrita Lubis (Malaysia).</i>	202
33.	The Influence of Financial Leverage on Bid-Ask Spread Through Market Capitalization: A study on Companies Listed in LQ 45 Index <i>Muhammad Putra Aprullah (Indonesia), Muhammad Arfan (Indonesia), and Syukriy Abdullah (Indonesia).</i>	210
34.	Legal Protection for Coastal Pollution from Coal Waste in Making Sustainable Development <i>Nur Sulisty B Ambarini (Indonesia), PE Suryaningsih (Indonesia), and Ema Septaria (Indonesia).</i>	218
35.	Students' Metacognitive Skill in Mathematics Learning with Cabri Geometry II Plus <i>Rahmah Johar (Indonesia), Khalisna (Indonesia), and Taufik Fuadi Abidin (Indonesia),</i>	224
36.	Sustainable Mining Development In Aceh Besar, Indonesia: A Challenge and Solution (Banda Aceh, 2013) <i>Elviandi RS (Indonesia), and Nor Malina Malek (Malaysia).</i>	229



37.	Preference of adult learners between the synchronous or asynchronous instructions in distance learning environment <i>Nailul Morad Mohd Nor (Malaysia) and, Mohamad Faisal Abd Karim (Malaysia).</i>	236
38.	Factors Influencing English Usage Preferences: A Case Study of Service Counter Staff in Universiti Sains Malaysia <i>Issham Ismail (Malaysia), Shahrier Pawanchik (Malaysia), and Salwani Jaafar (Malaysia).</i>	243
39.	English Abilities and Knowledge of Adult Learners: A Case Study of Student at The School of Distance Education, Universiti Sains Malaysia <i>Shahrier Pawanchik (Malaysia), Faiz Hilmi (Malaysia), Meor Azli (Malaysia), and Issham Ismail (Malaysia)</i>	248
40.	Rethinking the Role of Zakat in Poverty Eradication <i>Ku 'Azam Tuan Lonik (Malaysia), and Nor Syafinas Muda (Malaysia).</i>	254
41.	Waqaf participation among Muslims in Penang <i>Nailul Morad Mohd Nor (Malaysia), and Mohd Firdaus Zakaria (Malaysia).</i>	261
42.	Indonesian Workers (TKI); Malaysia's Policy towards Recruitment and Indonesian Policy towards Placement <i>Faridah Jaafar (Malaysia), Membunga Siti Meriam Yaacob (Malaysia), Puan Soijah Likin (Malaysia), and Zulnaidi Yaacob (Malaysia).</i>	266
43.	Involvement of The Lanoh Tribe in The Tourism Sector in Lenggong, Perak, Malaysia <i>Fatan Hamamah Yahaya (Malaysia), and Liyana Syafiqah Yahaya (Malaysia).</i>	267
44.	Rice Planting System Among Bidayuh Farmers of Serian Sarawak <i>Fatan Hamamah Yahaya (Malaysia), and Daniel Ugih Ak Echoh (Malaysia)</i>	268
45.	Cultural Orientation and Innovative Behavior of Malaysian Employees <i>Mohd Faiz Hilmi (Malaysia), and Yanti Mustapha (Malaysia).</i>	269
46.	Structure Conduct Performance (SCP) Hypothesis Revisited using Stochastic Frontier Efficiency: Analysis of Malaysian Electrical & Electronics Industry <i>Radziah Adam (Malaysia).</i>	270
47.	The United States Policy Towards Indonesia-Malaysia Confrontation 1963 – 1966 <i>Sah Hadiyatan ISMAIL (Malaysia).</i>	271
48.	Madinah Al-Munawarah Model of Islamic Civilization <i>Shaik Abdullah Bin Hassan Mydin (Malaysia).</i>	272
49.	Traditional Prawn Fishing; Conflicts and Challenges <i>Membunga @ Siti Meriam Yaacob (Malaysia), Siti Hajar Che Man (Malaysia), Muhammad Hj. Salleh (Malaysia), Lutfi (Malaysia), and Sakinah Abu Bakar (Malaysia).</i>	273
50.	Exogamy and Socialization: Comparative Study of Orang Jawa and Orang Asli Kuala in Johor <i>Soijah Likin (Malaysia), and Nazarudin Zainun (Malaysia).</i>	274
51.	Academic leadership inside-out: Interviews with faculty administrators of a public university in Malaysia <i>Muhammad Hasmi Abu Hassan Asaari (Malaysia).</i>	275
52.	The Relationship of Penang-Aceh During Last Quarter of the 18th Century (A Information of Francis Light Letters) <i>Ahmad Jelani Halimi (Malaysia).</i>	276
53.	Eidonomical properties of shoot and fruit of <i>Ficus hispida</i> and its indigenous use amongst the local community in Lembah Lenggong, Hulu Perak <i>Siti Hajar Abd Aziz (Malaysia), and Zuraini Zakaria (Malaysia).</i>	277
54.	Malaysian Government's Development Plans in The Eradication Of Poverty: Focusing On The State of Perlis 1971-1990 <i>Khairool Anuar Bin Haji Hashim (Malaysia).</i>	278
55.	The Influence of Traditional Malay House In Traditional Batik Sarong Peninsular Malaysia <i>Nawwal Abdul Kadir (Malaysia), Mohamad Najib Dawa (Malaysia), and Mat Desa Rozi (Malaysia).</i>	279

56.	Social Networking and Social Capital in the Economic Activities of Indonesian Women. A Case Study in Penang <i>Zurina bt. Mohd Radzi (Malaysia), Fatan Hamama h bt. Yahaya (Malaysia), and Mohd. Razha b Abd. Rashid (Malaysia).</i>	280
57.	Food Intake Pattern of The Sukamaju Malay Society, Medan: The Role of Women Empowerment <i>Fatan Hamamah Yahaya(Malaysia), and Maswita Nasir (Malaysia).</i>	281
58.	Building Resilience of Livelihood Systems to Disaster: Lessons Learned from the Tsunami Disaster Recovery Process <i>Wardah Hasyim (Indonesia)</i>	282
59.	Epistemic Modality and Deontic Modality at The Crossroads <i>Jumino Suhadi (Indonesia)</i>	290
60.	Establishment of Student's Character Through Writing Religious Poetry Learning by Using Type Cooperative Method Think Pair Share (TPS) <i>Liesna Andriany (Indonesia)</i>	296



## **Legal Protection for Coastal Pollution from Coal Waste in Making Sustainable Development**

**Nur Sulistyo B Ambarini; PE Suryaningsih; Ema Septaria**

Faculty of Law, Bengkulu University  
Jl. Raya WR. Supratman, Kandang Limun-Bengkulu  
Email: ambarini\_nur@yahoo.com.sg; nursulistyo budi ambarini@gmail.com

### **Abstract**

Bengkulu is one of the provinces in Indonesia, which has the potential of coal resource potential. In an effort to utilize these resources, the Government has issued 100 licenses to several companies to undertake exploration and exploitation. Some companies are located in Central Bengkulu district. Activity of extracting and processing coal by 7 (seven) companies in the region has caused pollution and damage around Bengkulu River watershed. Pollution not only in upstream but also downstream of Bengkulu River watershed located in the coastal region of Bengkulu. In addition to causing damage to marine ecosystems and river waters, coal waste pollution also affects the socio-economic life of communities in coastal areas that mostly fishermen. In accordance with Article 28 H of the 1945 Constitution and Article 65 (1) of Law no. 32 In 2009, efforts should be made to protect coastal communities both preventive, preemptive and repressive. Legal protection of coastal communities should be done in a comprehensive manner both from the substance, structure and legal culture. From the aspect of legal substances have to be assessed and evaluated existing regulations relating to coal mining as a preventive instrument to protect the public. The institutional structure of the legal aspects need improvement for coordination and cooperation to build both formal and informal institutions in the protection of pre-emptive and repressive. Besides the aspects of the culture of pre-emptive legal action needs to be instructive to conduct training and empowerment to be able to develop self-potential, resources and the environment autonomously. By providing a comprehensive legal protection, the coal mining investment in the Province Bengkulu can support the creation of sustainable economic development and environmentally sound.

**Keywords:** legal protection, coastal communities, pollution, sustainable development

### **Introduction**

Coal mining is a resource with huge potential in Indonesia. According to the Resource Center of Geology, Ministry of Energy and Mineral Resources - 2007, Indonesia has the resources (resources) of coal over 93 billion tonnes (latest data put the figure at 104.8 billion tons), and reserves (reserve) 19 billion tons. Energy 'fossil' is approximately 35% are medium and high rank (above 5,500 cal / g), while the remaining 65%, including low rank (lignite or brown coal) that has not been used optimally due to technical and economical reasons.<sup>11</sup> The potential for spread in various areas, including in Bengkulu and most widely in Borneo. Potential coal resources in Bengkulu at 198.65 million tonnes and 21.12 million tonnes of reserves.<sup>12</sup> These facts indicate substantial revenue potential and opportunities for the regions in Indonesia to attract national and foreign investors to invest in coal mines.

---

<sup>11</sup> Darsa Permana; Nining S Ningrum, "Ready Indonesia Coal Melt?", News Mineral, Coal and Geothermal, Issue 3, April 2009, p. 40.

<sup>12</sup> <http://www.tekmira.esdm.go.id/data/files/batubara20%Indonesia.pdf>. "Coal in Indonesia: An Issues", traced on July 22, 2013.

Based on data from the World Coal Statistics (World Coal Statistics / IEA) in 2009, Indonesia is the 2nd coal exporter in the world after Australia.<sup>13</sup> Relating to the management of the coal mine, the government has issued approximately 10,235 mineral and coal mining permits to corporations to mine in almost 34% of Indonesia that has the potential of coal. Amount of investment in coal mining, economic offers many advantages both at national and local levels. Coal mining or exploitation can positively open the isolation of an area, create jobs and others that may have an impact on increasing the welfare of the community. On the other hand there is no doubt also have negative impacts on the environment and harmful to society. Approximately 70% of environmental damage caused by mining activities. Exploration and exploitation of coal mines in an area can cause pollution that result not only hurt people in the region but also in other areas that are separate administration. Such as that occurred in Bengkulu province. Coal mining activities conducted by several companies in Central Bengkulu has resulted in affecting the environment and the lives of people in coastal areas of Bengkulu.

In addition to pollution and environmental damage, coal mining pose problems to the community. Coal mining company's activities in Central Bengkulu and the resulting change to the socio-economic environment that could harm the public in coastal city of Bengkulu. In general, it can also interfere with the implementation of regional and national development. Therefore the legal safeguards for the public needs to be done to achieve sustainable development aspired to achieve prosperity and welfare of the community.

## **Materials and Methods**

### ***The concept of Sustainable Development***

Sustainable development is an evolving concept of alternative development since 1970. The term and definition of sustainable development is known in the report of The World Commission on Environment and Development (WCED) or the Brundtland Report in 1987 entitled "Our Common Future". In essence, the concept of sustainable development emphasizes that the implementation of development to meet the needs of the present generation, do not reduce the ability of future generations to meet their needs. It reflected the proficiency level in the Brundtland Report definition of "sustainable development is development that meet the needs of the present without compromising the ability of future generations to meet their own needs", contains two important concepts of sustainable development, namely the concept of 'needs' and the concept of 'limitations'.

In Indonesia, the concept was first outlined in the Guidelines (GBHN) from 1973 to 1978 as the concept of environmentally sound development. In accordance with the principles of the Rio Declaration of 1992, the application of the concept of sustainable development policies refined in 1993 and Guidelines Law No. 23 of 1997 on Environmental Management as its legal basis. Furthermore constitutionally affirmed the 1945 Constitution Article 28 and Article 33, paragraph H (4). Similarly, in Act No. 32 of 2009 on the Protection and Management of the Environment, Article 1, point (3) defined notion of sustainable development is: "a conscious and deliberate effort that integrates aspects of environmental, social, and economic development strategies to ensure the environmental integrity and safety, ability, welfare, and quality of life of the present generation and future generations."

### ***Coal Mining and Environmental Pollution***

Coal mining is a very complex economic activities are simultaneously intertwined with each other. Article 1, point (1) of Law No. 4 of 2009 on Mineral and Coal Mining is mention of some or all stages in the framework of the research activities, management,

---

<sup>13</sup> Mohamad Anis ST., MM, "The Importance of Coal Export Control Policy" Warta Mineral, Coal and Geothermal, Issue 6, April 2010, p. 20.



exploitation of mineral or coal which includes general investigation, exploration, feasibility studies, construction, mining, processing and refining, transporting, and selling, and post-mining activities .

Refers to the notion that mining activities can not be separated from the economic, social and environmental. Coal mining continues to grow because of its potential is quite large and the demand for domestic and overseas continues to rise. This provides economic benefits to support national and regional economic development. Can be a solution to overcome the problem of unemployment and poverty, as it requires considerable labor, thus opening up employment opportunities for the community. It also opens the isolation area to be developed . Mining activities are efforts to use natural resources for the benefit of society, but on the other hand has an impact that can harm people and the environment itself. Coal is a type of energy that contains sulfur that is in the earth. Ecologically coal mining will lead to positive and negative impacts. Mining process, namely excavation, processing, combustion, transport and so will cause damage and pollution as generating pit ( landscape shape change ), tailings, acid mine drainage, sludge ( waste coal washing ), and air pollution, and so on. This is a negative impact of the damage and pollution that can disrupt and harm the environment and society.

### **Concept of Legal Protection**

In the Indonesian context, the concept of legal protection by Philip M Hadjon termed as 'legal protection of the people', which in principle is the recognition and protection of human dignity based on Pancasila and the rule of law based on Pancasila. Legal protection is the act of giving legal protection to the subject as a supporter of the rights and obligations. Can be regarded as the embodiment of law function that can provide a justice, order, certainty, utility and peace. It can be given in the form of a legal instrument preventive and repressive.

According Soediman Kartohadiprodjo whole system of law as a positive legal system inspired by the values of all five principles of Pancasila and the so-called Law of Pancasila. Aim to realize Law of Pancasila is law and order, peace and justice are defined by the term 'Pengayoman (Protection)', which is to protect human good in the sense of passive and active. Passive action of preventing arbitrary and violation of rights . Actively include efforts to create conditions and encourage people to always humanize ourselves continuously.

The research method used in this paper is the doctrinal approach , by reviewing materials sourced from primary legal materials, secondary and tertiary. Collection of legal materials is done by doing a literature study.

## **Results and Discussion**

### **Coal Mining and Its Impact in the city of Bengkulu**

Constitutionally, the utilization of natural resources in Indonesia coal mine based on Article 33 paragraph ( 3 ) of the Constitution 1945, and subsequently in the implementation are based on Law No. 4 of 2009 on Mineral and Coal. Subsidiaritas as defined according to the principles of Abraham Lincoln ( 1854 ), the state divides its responsibilities to private companies and cooperatives. With the private sector's role in the business of mining, the State has a role to support and complement the efforts that can be made public. In this case is based on the principle of the State Tenure ( HPN ), state or government has the authority to regulate, administer, and oversee the management of the coal mining business. Government as regulator ( regulator ) under Law No. . 4 of 2009 provides an opportunity for businesses and people to do business in the mining sector through the licensing system.

Potential coal mines in the province based on data from the Department of Energy Bengkulu Province in 2009 showed 82,216,328 tons of coal reserves in the amount of mineable reserves during the production period 1989 - 2009 amounted to 731,328.83 tons . Greatest potential in North Bengkulu 300 million tonnes, 60 million tonnes of Central Bengkulu, Muko - Muko 10 million tons, 30 million tons Seluma , and



Lebong 3 million tons. To explore and exploit this potential, the Department of Energy and Mineral Resources Bengkulu Province has issued 100 permits exploration of coal mining. Some companies located in Central Bengkulu district, in the upper watershed that runs and flows along the lower 48 miles to the coast and sea in the city of Bengkulu.

Based on the results of several research institutions and NGOs such as Walhi, Ulayat, Environment Agency Bengkulu Province, the Department of Mines and Natural Resources Bengkulu province, KPBB Team (Leaded Gasoline countermeasures Commission) instituted in collaboration with Blacksmith and the Ministry of Environment of Indonesia, to the activities of seven coal mining companies have caused damage and pollution of the watershed (Watershed) Bengkulu river. The pollution caused by coal washing waste that contain substances harmful to human health if consumed, such as sulfur (b), mercury (Hg) and others. In addition to contaminants are also a heap of coal waste that flows along the rivers causing siltation of the river even to the sea.

Bengkulu river basin covers an area of 51,500 hectares located in two regions, namely dministrasi Central Bengkulu and Bengkulu City. Ecosystem damage that occurred in the watershed upstream of the region resulted in significantly hillir river, to the mouth and affect coastal ecosystems. The rest of the former coal washing waste into the River Bengkulu meet even carried down to the sea, thereby disrupting the ecosystem conditions in coastal waters. Substrate -borne coal Bengkulu waters to the coral cover so that growth will be compromised even as a die and destroy coastal spawning sites for a variety of marine life.

These conditions greatly affect the lives of coastal communities on fishing generally. Pollution that has resulted in reduced fish populations in rivers and coastal waters, resulting in reduced fishing income. Accumulation of waste coal in the bottom of the river to the sea Bengkulu also lead to changes in the pattern of the original fishing community economy became scavengers or waste coal miners in the river. Despite of the economic increase revenue from the sale of coal waste, but a variety of social problems experienced by people such as health and other people's lives is very detrimental to further both from the economic, social and environmental. There are at least three requirements that mining activities can continue to contribute to poverty reduction, reducing the potential for socio-economic conflict, and encourage sustainable growth. The three conditions are: (1) corporate governance and public governance are pro-poor, (2) social policies and an environment more effectively, (3) Respect for human rights (HAM).

#### **Community Legal Protection of Coastal Areas**

Under Article 18H and Article 33 paragraph (4) Constitution of the Republic, the preventive measures to protect and prevent the abuse and violation of rights, the state has set up a coal mining activities and environmental sustainability in the form of legislation. Law No. 4 of 2009 on Mineral and Coal and the various laws and regulations that support should be implemented in synergy. The regulations include: Law No. 19 of 2004 on Forestry Law. 32 of 2009 on the Protection and Management of the Environment (UUPLH); Government Regulation No.78 of 2010 regarding Reclamation and Post-Mining; Government Regulation No.55 of 2010 Concerning the Implementation Guidance and Supervision Management of Mineral and Coal Mining; PP. 24 of 2010 on the Use of Forest Area; Government Regulation No.23 of 2010 Concerning Implementation of Mineral and Coal Enterprises; Government Regulation No.22 of 2010 Concerning Mining Areas; Presidential Instruction No.01 of 2012 on the Implementation and Monitoring Related Operations Coal mining; Presidential Decree No.03 Year 2011 about TEAM Evaluation Adjustment Contract For work and Coal Mining Agreement; Minister of Energy and Mineral Resources Regulation No. 07 Year 2012 on Mineral Added Value Through Activity and Purification Mineral processing, and so on.

In addition to support behavior change and awareness of the importance of the Muslim community and the protection of environmental management in the utilization of natural resources (especially mining), the Indonesian Ulama Council (MUI) with the Ministry of Environment, signed a memorandum of understanding (MoU) No.



14/MENLH/12/2010 and Kep-621/MUI/XII/2010 on December 15, 2010, has been agreed with the Indonesian Ulama Council Fatwa No. 22 Year 2011 on Sustainable Mining.

All of the national legislation, so in practice in the area need to be followed up with regulations that accommodate the interests of stakeholders, including coastal communities both from the economic, social and environmental. In its implementation, especially in areas related to environmental issues that occur between administrative regions, need to be unified arrangement in the form of local regulations ( laws ) as a guide in providing protection to coastal communities, including communities associated with coal mining activities. For it to be done kerjasama and coordination among related areas by ecoregion concept.

Protection active repressive in the sense that an attempt to create conditions and encourage people to humanize ourselves continuously needs to be done to the coastal communities in the city of Bengkulu. This is done to create a humane social conditions, thereby enabling social processes take place naturally, in which everyone gets a fair a chance as possible to develop the potential of humanity as a whole. Repressive protection, in addition to taking legal action against businesses, such as evaluation, a warning to revocation of the operating license, necessary measures to create conditions in the physical environment and the recovery of social environment people are harmed by the destruction and pollution of coal mining.

Active measures to restore the condition of the physical environment pollution should be done immediately following the ecosystem and environment in order to continue to function in a sustainable manner. In addition it is very important to create the conditions for the restoration of the social life of the community environment that is empowering that community members are able to develop self-potential, resources and the environment autonomously. To support the need to establish formal and informal institutions that involve various parties who have authority in the protection and empowerment. Similarly, cooperation and coordination between relevant institutions and government.

### Conclusions

Sustainable development has been committed to building the nation and state of Indonesia needs to be realized to achieve a just and prosperous society. Therefore the need to provide legal protection to the community to fulfill their right to a good environment and healthy living. One is the legal protection of communities in coastal areas due to pollution of coal waste.

Legal safeguards can be done in a preventive and repressive. Preventive action can be done by adjusting the protection of society through the establishment of local regulations can be used as a guideline. Repressive measures can be done to businesses, as well to the physical environment and social environment after the occurrence of pollution. Active measures aimed at restoring social environment, should be to provide the opportunity empowering community members are able to develop self-potential, resources and the environment autonomously. Protection both preventive and repressive in its implementation should involve all parties through cooperation among instuons, government-related.

### References

- Adrian Sutedi, 2012, *Mining Law*, Jakarta: Sinar Graphic Publishers, Ed. 2.
- Aji Wihardandi, 2012, "Pollution Continues to Happen, Now Aims Mine Expansion Elephant Habitat Bengkulu", August 30, 2012, <http://www.mongabay.co.id/wp-content/uploads/2012/08/sumatera-0677.jpg>.
- Directorate General for Energy and Mineral Resources, 2013, <http://dtwe2.esdm.go.id/dw2007/index.php?mode=4> Downloaded May 23.
- Darsa Permana; Nining S Ningrum, 2009, "Ready Indonesia Coal Melt?", News Mineral, Coal and Geothermal, Issue 3, April, p. 40.
- Edi Suharto, 2007, *Social Policy For Public Policy*, Bandung: Alfabeta.

- Frans Magnis Suseno, 1988, *Political Ethics, Principles basic Prinsip Moral Modern State*, Jakarta: Gramedia.
- Iwan Aziz J, et al, 2010, *Sustainable Development, Role and Contribution of Emil Salim*, Jakarta: KPG (Gramedia Popular Library).
- JT Pareke, 2013, "Implementation Effectiveness Instrument Against Dumping Coal Waste Pollution in Bengkulu Basin Under Law NO. 32 of 2009 on the Protection and Management of Environment ", National Seminar paper '*Development of Environmental Law Present and Future*', Bandung: Law Faculty-Padjadjaran University, 28-29 May.
- Mohamad Anis ST. 2010, MM, "The Importance of Coal Export Control Policy" *Warta Mineral, Coal and Geothermal*, Issue 6, April , p. 20.
- Philip M Hadjon, *Legal Protection for the people in Indonesia, A Study On the Principles, Handling by the Court in the General Courts and Judicial Administration of the State*, Jakarta: PT. Bina Ilmu.
- Sitti Khotidjah, "Sustainable Mining", accessed from <http://hukum.kompasiana.com/2013/01/14/pertambangan-ramah-lingkungan-525150.html/>
- Soediman Kartohadiprodjo, 2010, *Worldview Pancasila as the Nation of Indonesia*, Bandung: Gatra Library, Prints T.1.
- Suhendri (Editor)., "Approximately 70% of Indonesia's Environmental Damage caused Mining Operations", accessed from [Bangkapos.com](http://Bangkapos.com), Jakarta, dated 28 September 2012, 20:14 pm.
- Susan Baker, *Sustainable Development*. New York: Routledge, Reprinted 2007.
- Tomi Sujatmiko, "Whew Whew .., RI Coal Reserves 80 Billion Ton", Jakarta: KR [Jogya.com](http://Jogya.com), Thursday, 7 February, 2013, 23:34 pm.